

CONTROL OR ERADICATION OF NUTRIA IN MARYLAND AND LOUISIANA

MAY 7, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4044]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4044) to authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105-322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

SEC. 2. NUTRIA ERADICATION PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this section referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The goals of the program shall be to—

- (1) eradicate nutria in Maryland;
 - (2) eradicate or control nutria in Louisiana and other States; and
 - (3) restore marshland damaged by nutria.
- (c) **ACTIVITIES.**—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002.
- (d) **COST SHARING.**—
- (1) **FEDERAL SHARE.**—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.
 - (2) **IN-KIND CONTRIBUTIONS.**—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.
- (e) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.
- (f) **AUTHORIZATION OF APPROPRIATIONS.**—For financial assistance under this section, there is authorized to be appropriated to the Secretary \$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2003, 2004, 2005, 2006, and 2007.

SEC. 3. REPORT.

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled “Nutria in Louisiana”, and shall develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries, a long-term nutria control program with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the State of Louisiana.

Amend the title so as to read:

A bill to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria.

PURPOSE OF THE BILL

The purpose of H.R. 4044 as ordered reported is to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria.

BACKGROUND AND NEED FOR LEGISLATION

Nutria are large semi-aquatic, surface feeding herbivores that are extremely destructive to marsh vegetation. Nutria are extremely prolific, producing two to three litters annually. On average, nutria have five young, but a female may have as many as 13 offspring per litter. Nutria weigh on average up to 18 pounds which is 5 to 10 times the size of native muskrats.

This species was introduced in Maryland in the 1940s to assist the fur industry. There are currently between 50,000 to 75,000 nutria living at the Blackwater National Wildlife Refuge in Cambridge, Maryland. The Blackwater National Wildlife Refuge was established under the authority of the Migratory Bird Conservation Commission on January 23, 1933, for the purpose of providing habitat for migrating and wintering birds. Since that time, the size of the Refuge has been expanded to over 23,700 acres from funding obtained from the Endangered Species Act of 1973, the North American Wetlands Conservation Act of 1989 and the Refuge Recreation Act of 1962.

Nutria forage directly on the vegetative root mat, leaving the marsh pitted with digging sites and fragmented with deep swim canals. In the face of rising sea levels, nutria damage is particularly problematic because it accelerates the erosional processes associated with tidal currents and wave action. The cumulative result of an overabundance of nutria and rising sea level has been a rapid conversion of emergent marsh to open water. To compound this problem, there are no natural predators to control nutria and populations have exploded, causing significant impacts to native wildlife, fish, shellfish, plants and marsh ecosystems.

According to the Blackwater Refuge Manager, at least 7,000 out of the 17,000 total acres of refuge marsh have already been lost to nutria and the remaining acreage is at serious risk in the future. Trapping is conducted on the Refuge in an effort to control nutria populations. Trapping income from the refuge has been estimated to contribute approximately \$30,000 to the local economy but overall the limited trapping program has not made a real impact on the population of nutria.

Blackwater is one of nine national wildlife refuges on the low-lying Delmarva Peninsula, which is so named to represent the three states of Delaware, Maryland and Virginia, which share its 200-mile length. This finger of land lies on the track of the Eastern Flyway and its extensive marshes make it prime habitat for nesting and migrating birds. This Refuge is home to over 250 bird species including bald and golden eagles, Great blue herons, Northern loons, ospreys and thousands of geese and ducks. In fact, there are more than 20 different varieties of ducks including mallards, black ducks, blue-winged teals, green-winged teals, wood ducks, wigeons and pintails that spend the winter months at Blackwater.

The Refuge also supports a number of mammal species including bats, sika and white-tailed deer, muskrats, otters, red foxes and the endangered Delmarva fox squirrel. This steel-gray squirrel was listed as endangered by the U.S. Fish and Wildlife Service in 1967. The fundamental reason for this designation was the loss of habitat. While the Delmarva fox squirrel once ranged from southeastern Pennsylvania throughout the Delmarva Peninsula, today there are only four counties along the Maryland's Eastern Shore that support wild populations.

Due to its abundant wildlife, the Refuge hosts over 500,000 visitors annually. It is the largest tourist attraction in Dorchester County. The County's Department of Tourism estimates that Blackwater Refuge visitors annually spend \$15 million in the county. This expenditure has a tremendous impact on local restaurants, hotels, retail merchants, and other businesses. An irreplaceable component of the Refuge are the thousands of acres of wetlands which are the essential habitat for migrating birds. These wetlands are in serious jeopardy because of the increasing population of nutria.

During the 105th Congress, legislation sponsored by Congressman Wayne T. Gilchrest was enacted to establish the Maryland Nutria Control Pilot Project to address the serious problems of an exploding population of nutria. Under Public Law 105-322, \$2.9 million was authorized over three years to help alleviate this invasive problem. To date, Congress has appropriated about \$1.5 million to study the impact of nutria on wetland habitats, the re-

productive capacity of this species, methods to restore wetlands and methods to eradicate nutria populations along Maryland's Eastern Shore.

While the long-term goal of the project is to eradicate nutria in Maryland, the authorization of appropriations for Public Law 105-322 expires on September 30, 2002. In addition, the U.S. Army Corps of Engineers has calculated that it will cost about \$30,000 per acre to restore wetlands at the Blackwater National Wildlife Refuge. There is an immediate need to eradicate nutria and to restore wetlands that have been destroyed by this invasive species.

This legislation would extend this act for five years with an annual authorization of \$6 million per year, with \$4 million for the State of Maryland and \$2 million for Louisiana. The State of Louisiana has done an effective job for a number of years in stopping the expansion of wetland destruction by nutria and this new authorization will allow the State to conduct aerial vegetation surveys, to provide additional incentive payments for a more aggressive nutria control program and to continue efforts to develop effective means to restore wetlands subject to nutria damage. The Committee expects the Secretary of the Interior and the National Invasive Species Council to support efforts of the Louisiana Department of Wildlife and Fisheries to control and restore nutria damage.

After three years of study and analysis, it is time to begin the difficult job of eradicating and restoring marshland destroyed by nutria. Specifically, the goals of this measure are to remove nutria from the Blackwater National Wildlife Refuge, the Fishing Bay Wildlife Management Area and Tudor Farms in Maryland, eradicate or control nutria in Louisiana and other states and restore marshland damaged by these animals. The federal share of this program will remain at not more than 75 percent and administrative expenses are capped at five percent.

COMMITTEE ACTION

H.R. 4044 was introduced by Congressman Wayne T. Gilchrest (R-MD) on March 20, 2002. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On April 11, 2002, the Subcommittee held a hearing on the bill. On April 17, 2002, the Subcommittee met to mark up the bill. Congressman Gilchrest offered an amendment that changed the limitation on administrative expenses from ten to five percent. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On April 24, 2002, the Full Resources Committee met to consider the bill. Congressman W.J. "Billy" Tauzin (R-LA) offered an amendment in the nature of a substitute that authorized up to \$2 million each year until September 30, 2007, to control the ever-increasing population of nutria and to restore the damaged caused to coastal wetlands in the State of Louisiana. The amendment was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill as ordered reported is to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 3, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4044, a bill to authorize the Secretary of the Interior to provide assistance to the state of Maryland and the state of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4044—A bill to authorize the Secretary of the Interior to provide assistance to the state of Maryland and the state of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria

Summary: H.R. 4044 would authorize the Secretary of the Interior to provide financial assistance to Maryland and Louisiana for the control or eradication of South American nutria (a foreign invasive species) and for the restoration of marshlands damaged by the mammal. For this purpose, the bill would authorize the appropriate of \$6 million for each of fiscal years 2003 through 2007. The bill also would require the Secretary (acting through the U.S. Fish and Wildlife Service (USFWS)), to develop a long-term nutria control program for Louisiana.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4044 would cost \$30 million over the 2003–2007 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 4044 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The grant funds authorized by this bill would benefit the states of Maryland and Louisiana, and any costs incurred by those states to comply with the conditions of that assistance would be voluntary.

Estimated cost of the Federal Government: The estimated budgetary impact of H.R. 4044 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION					
Authorization level	6	6	6	6	6
Estimated outlays	6	6	6	6	6

Basis of estimate: For the estimate, CBO assumes that the amounts authorized by H.R. 4044 will be appropriated for each fiscal year and will be paid to the two states in annual lump sums. The annual authorization level consists of \$4 million for Maryland and \$2 million for Louisiana. CBO estimates that developing the long-term nutria program for Louisiana required by section 3 of the bill would have no significant effect on USFWS spending.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4044 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The grants funds authorized by this bill would benefit the states of Maryland and Louisiana, and any costs incurred by those states to comply with the conditions of that assistance would be voluntary.

Estimate prepared by: Federal costs: Deborah Reis; impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

